

AGENDA

COMMITTEE ON BILLS ON SECOND READING

**February 5, 2007
Aldermen Duval, Lopez,
Gatsas, Garrity, Pinard**

**5:00 PM
Aldermanic Chambers
City Hall (3rd Floor)**

1. Chairman Duval calls the meeting to order.

2. The Clerk calls the roll.

3. Ordinance:

“Amending the penalties for certain Code Sections listed in 38.06
Penalties and providing for a penalty for failure to pay within 7
days.”

(Note: communication from the Public Health Director enclosed.)

Gentlemen, what is your pleasure?

4. If there is no further business, a motion is in order to adjourn.

To the Board of Mayor and Aldermen of the City of Manchester:

The Committee on Administration/Information Systems respectfully recommends, after due and careful consideration, that the Board accept the recommendation by City staff to amend Section 38.06(A) of the Code of Ordinances as follows:

Code Section	First Offense	Second Offense	Third Offense
91.64	\$200.00	\$300.00	\$500.00
91.65	\$200.00	\$300.00	\$500.00
91.66	\$200.00	\$300.00	\$500.00
91.67	\$200.00	\$300.00	\$500.00
91.69	\$200.00	\$300.00	\$500.00
91.71	\$200.00	\$300.00	\$500.00
91.73	\$200.00	\$300.00	\$500.00
91.74	\$200.00	\$300.00	\$500.00
91.75	\$200.00	\$300.00	\$500.00
150.023	\$200.00	\$300.00	\$500.00
150.060	\$200.00	\$300.00	\$500.00
150.061	\$200.00	\$300.00	\$500.00
150.062	\$200.00	\$300.00	\$500.00
150.063	\$200.00	\$300.00	\$500.00
150.064	\$200.00	\$300.00	\$500.00

If any penalty set forth in 38.06(A) is not paid within 7 days of the date the citation was issued the penalty shall be twice the amount set forth in 38.06(A) up to a maximum of \$1,000.

The Committee further recommends that it be referred to the Committee on Bills on Second Reading for technical review.

(Unanimous vote.)

at a meeting of the Board of Mayor and Aldermen

on Jan 16, 2007 on a motion of Ald. Lopez

seconded by Ald. Thibault the report

the Committee was accepted and its recommendations

adopted (clerked)

Respectfully submitted,


Clerk of Committee


City Clerk

City of Manchester New Hampshire

In the year Two Thousand and

AN ORDINANCE

Amending the penalties for certain Code Sections listed in 38.06 Penalties and providing for a penalty for failure to pay within 7 days.

BE IT ORDAINED, By the Board of Mayor and Alderman of the City of Manchester, as follows:

Amending 38.06(A) Citation Penalties by imposing the listed penalties for following Code Sections:

Code Section	First Offense	Second Offense	Third Offense
91.64	\$200.00	\$300.00	\$500.00
91.65	\$200.00	\$300.00	\$500.00
91.66	\$200.00	\$300.00	\$500.00
91.67	\$200.00	\$300.00	\$500.00
91.69	\$200.00	\$300.00	\$500.00
91.71	\$200.00	\$300.00	\$500.00
91.73	\$200.00	\$300.00	\$500.00
91.74	\$200.00	\$300.00	\$500.00
91.75	\$200.00	\$300.00	\$500.00
150.023	\$200.00	\$300.00	\$500.00
150.060	\$200.00	\$300.00	\$500.00
150.061	\$200.00	\$300.00	\$500.00
150.062	\$200.00	\$300.00	\$500.00
150.063	\$200.00	\$300.00	\$500.00
150.064	\$200.00	\$300.00	\$500.00

Amending 38.06(A) Citation Penalties by adding the following language:

If any penalty set forth in 38.06(A) is not paid within 7 days of the date of the citation was issued the penalty shall be twice the amount set forth in 38.06(A) up to a maximum of \$1,000.



CITY OF MANCHESTER

Department of Health

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Administrative & Environmental Health FAX (603) 628-6004
Community Health FAX: (603) 665-6894
School Health FAX: (603) 624-6584
Website: www.ManchesterNH.gov/Health

BOARD OF HEALTH

Carol Bednarowski
Laura Smith Emmick, M.D.
William A. Mehan, DMD, MS
Mary Morgan, R.N.
Kristin H. Schmidt, PA-C

Timothy M. Soucy, REHS, MPH
Public Health Director

January 22, 2007

Alderman Jerome Duval, Chair
and Members of the Committee on Bills on Second Reading
Board of Mayor & Aldermen
One City Hall Plaza
Manchester NH 03101

Dear Chairman Duval and Members of the Committee:

At the January 16, 2007 meeting of the Mayor and Board of Aldermen, the Committee on Administration's recommendations for fine increases associated with violations of City Ordinance pertaining to trash and litter was passed and sent to your committee.

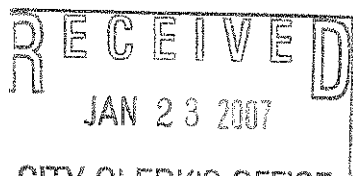
While I recognize that the purpose of Bills on Second Reading is for a technical review of the proposed Ordinance, I wanted to provide some additional information as to the importance of amending this ordinance.

In FY 06, the Health Department investigated 324 litter and trash complaints. In addition to these initial inspections, 476 re-inspections were required. Assuming every initial inspection requires a re-inspection to determine compliance, the following information can be gleaned.

Approximately 70% (221 of 324) of the complaints were cleaned up with the issuance of a first notice. First notices provide an overview of the violation, corrective actions to be taken, timeframe for correction, and a description of all pertinent City Ordinances relative to trash and litter. First notices are sent via regular USPS mail.

Approximately 30% (103 of 324) of the complaints were not complied with after the first notice and required additional follow up. Second notices of violations are either hand delivered or sent registered mail to assure the recipient receives the notice. This is a due process requirement in the event the case proceeds to court.

Only 3% (11 of 324) of the complaints were not complied with after a second notice and required the issuance of a citation. In other words, property owners were only fined after receiving two notices to correct a violation. As a final piece of information, 11 first



Letter to: Committee on Bills on Second Reading
Date: January 22, 2007
Page: 2

offense citations were issued, and 2 second offense citations were issued, 8 of the 11 property owners who received a citation live outside of Manchester.

I believe our approach is very successful in gaining compliance quickly (70%) and we always make every effort to work with property owners to correct violations. However, I fully support raising the fines for those who blatantly disregard City Ordinances have little concern for improving the quality of our neighborhoods. These property owners are clearly the minority in our community and should be held accountable.

I would be glad to answer any questions the Committee may have.

Sincerely,

A handwritten signature in black ink, appearing to read 'T. M. Soucy', with a stylized flourish at the end.

Timothy M. Soucy, REHS, MPH
Public Health Director